

In re Application of  
Shumate et al.  
U.S. Serial No.: 10/082,974  
Filed: February 25, 2002  
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PATENT  
Attorney Docket No.: AURO1160-7

REMARKS

Claims 1-30 were previously canceled. Claim 31 remains pending in the application.

Preliminary Amendment not entered

Applicants filed a Preliminary Amendment with the present application that does not appear to have been entered into the record. The Preliminary Amendment canceled claims 1-30 and added new claim 31. The Preliminary Amendment was filed on February 25, 2002 along with the patent application and other formal papers. Copies of the USPTO stamped postcard and Preliminary Amendment are attached showing this. All rejections in the present Office Action are based on claims 1-30, which have been canceled, rendering the rejections moot. Applicants request that the Preliminary Amendment be entered into the file.

Double Patenting

Claims 1 and 4-30 were rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-28 of prior U.S. Patent No. 6,372,185.

Claims 2 and 3 were rejected under the judicially created doctrine of obviousness type double patent as being unpatentable over claim 1 of U.S. Patent No. 6,372,185.

Claims 1-30 were canceled by a preliminary amendment, rendering these rejections moot.

The Rejection of Claims 1-7, 10-17 and 28-30 Under 35 U.S.C. §103(a)

Claims 1-7, 10-17 and 28-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lebl et al. (U.S. Pat. No. 6,045,755) in view of Pfost et al. (U.S. Pat. No. 5,104,621).

Claims 1-30 were canceled by a preliminary amendment, rendering this rejection moot.

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The Examiner is invited to call Applicants' representative at the number below to expedite allowance of the pending claims if there are any questions.

Enclosed is a check in the amount of \$55.00 for the One (1) Month Extension of Time fee. The Commissioner is hereby authorized to charge any other fees that may be associated with this communication, or credit any overpayment to Deposit Account No. 50-1355.

Respectfully submitted,

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Date: April 12, 2004

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